

**In the Matter of the Accusation** )  
**Against:** )

**Case No. 800-2015-011205**

**Physician's and Surgeon's  
Certificate No. G 62243**

Respondent )

**The attached Stipulated Surrendered of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on August 31, 2016.**

**IT IS SO ORDERED** August 24, 2016 .

**MEDICAL BOARD OF CALIFORNIA**

By: Kimberly Kirchmeyer  
Kimberly Kirchmeyer  
Executive Director

1 KAMALA D. HARRIS  
Attorney General of California  
2 VLADIMIR SHALKEVICH  
Acting Supervising Deputy Attorney General  
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7

8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 800-2015-011205

11 **FREDERICK MATTSON MURPHY, M.D.**  
12 **1155 El Jacinto Ct.**  
13 **Turlock CA 95380-3629**

OAH No. 2016051183

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 **Physician's and Surgeon's Certificate**  
15 **No. G 62243**

16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
22 of California. She brought this action solely in her official capacity and is represented in this  
23 matter by Kamala D. Harris, Attorney General of the State of California, by Steve Diehl, Deputy  
24 Attorney General.

25 2. Frederick Mattson Murphy, M.D. (Respondent) is representing himself in this  
26 proceeding and has chosen not to exercise his right to be represented by counsel.

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3. On or about February 1, 1988, the Medical Board of California issued Physician's and Surgeon's Certificate No. G62243 to Frederick Mattson Murphy, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-011205 and will expire on October 31, 2017, unless renewed.

## JURISDICTION

4. Accusation No. 800-2015-011205 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 26, 2016. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2015-011205 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2015-011205. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 800-2015-011205, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation and that those charges constitute cause for discipline. Respondent hereby gives up his right to contest that cause for discipline exists based on those charges. Respondent agrees that if he ever petitions for reinstatement of his Physician's and Surgeon's Certificate No. G62243, all of the charges and allegations contained in Accusation No. 800-2015-011205 shall be deemed true, correct and fully admitted by respondent for purposes of that reinstatement proceeding or any other licensing proceeding involving respondent in the State of California

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 62243, issued to Respondent Frederick Mattson Murphy, M.D., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2015-011205 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2015-011205 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, Business and Professions Code Section 2307, subdivision (b)(3) shall apply, allowing Respondent to petition for reinstatement one year after the effective date of the Board's Decision and Order.

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DATED:

*Frederick Mattson Murphy*  
FREDERICK MATTSON MURPHY, M.D.  
Respondent

Dated:

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
VLADIMIR SHALKEVICH  
Acting Supervising Deputy Attorney  
General

STEVE DIEHL  
Deputy Attorney General  
*Attorneys for Complainant*

FR2015302863  
12351754

**Exhibit A**

**Accusation No. 800-2015-011205**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 STEVE DIEHL  
Deputy Attorney General  
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Facsimile: (559) 445-5106  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2015-011205

12 **Frederick Mattson Murphy, M.D.**  
13 **1155 El Jacinto Ct.**  
**Turlock CA 95380-3629**

**A C C U S A T I O N**

14 **Physician's and Surgeon's Certificate**  
15 **No. G 62243,**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On or about February 1, 1988, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number G 62243 to Frederick Mattson Murphy, M.D. (Respondent). The Physician's  
25 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on October 31, 2017, unless renewed.

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**JURISDICTION**

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code states:

“The board shall have the responsibility for the following:

“(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

“(b) The administration and hearing of disciplinary actions.

“(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

“(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

“(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

“(f) Approving undergraduate and graduate medical education programs.

“(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

“(h) Issuing licenses and certificates under the board's jurisdiction.

“(i) Administering the board's continuing medical education program.”

5. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

1       “(3) Be placed on probation and be required to pay the costs of probation monitoring upon  
2 order of the board.

3       “(4) Be publicly reprimanded by the board. The public reprimand may include a  
4 requirement that the licensee complete relevant educational courses approved by the board.

5       “(5) Have any other action taken in relation to discipline as part of an order of probation, as  
6 the board or an administrative law judge may deem proper.

7       “(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical  
8 review or advisory conferences, professional competency examinations, continuing education  
9 activities, and cost reimbursement associated therewith that are agreed to with the board and  
10 successfully completed by the licensee, or other matters made confidential or privileged by  
11 existing law, is deemed public, and shall be made available to the public by the board pursuant to  
12 Section 803.1.”

13       6.       Section 820 of the Code states:

14       “Whenever it appears that any person holding a license, certificate or permit under this  
15 division or under any initiative act referred to in this division may be unable to practice his or her  
16 profession safely because the licentiate's ability to practice is impaired due to mental illness, or  
17 physical illness affecting competency, the licensing agency may order the licentiate to be  
18 examined by one or more physicians and surgeons or psychologists designated by the agency.  
19 The report of the examiners shall be made available to the licentiate and may be received as direct  
20 evidence in proceedings conducted pursuant to Section 822.”

21       7.       Code section 822 states:

22       “If a licensing agency determines that its licentiate's ability to practice his or her  
23 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
24 competency, the licensing agency may take action by any one of the following methods:

25       “(a) Revoking the licentiate's certificate or license.

26       “(b) Suspending the licentiate's right to practice.

27       “(c) Placing the licentiate on probation.  
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1       "(d) Taking such other action in relation to the licensee as the licensing agency in its  
2 discretion deems proper.

3       "The licensing section shall not reinstate a revoked or suspended certificate or license until  
4 it has received competent evidence of the absence or control of the condition which caused its  
5 action and until it is satisfied that with due regard for the public health and safety the person's  
6 right to practice his or her profession may be safely reinstated."

7                                   **CAUSE FOR DISCIPLINE**

8                                   **(Impairment)**

9       8.     Respondent Frederick Mattson Murphy, M.D. is subject to disciplinary action under  
10 section 822 in that Respondent is unable to practice medicine safely without treatment due to a  
11 physical and/or mental condition. The circumstances are as follows:

12       9.     On or about August 26, 2015, Respondent underwent an evaluation with a Board-  
13 appointed psychiatrist. In a report received by the Board on September 22, 2015, the evaluator  
14 opined that Respondent is suffering from alcoholism, a condition that impairs his ability to  
15 practice medicine safely. The evaluator noted that Respondent continues to drink alcohol despite  
16 prior treatment for alcoholism, and will be at a very high risk of relapse as long as he continues to  
17 do so, thereby presenting an unreasonable risk to his patients. The evaluator noted that  
18 Respondent's insight into his own alcoholism was very poor. The evaluator concluded that  
19 Respondent requires ongoing treatment in order to practice safely.

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21                                   **PRAYER**

22       WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Medical Board of California issue a decision:

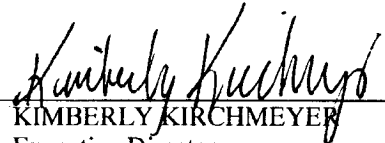
24       1.     Revoking or suspending Physician's and Surgeon's Certificate Number G 62243,  
25 issued to Frederick Mattson Murphy, M.D.;

26       2.     Revoking, suspending or denying approval of Frederick Mattson Murphy, M.D.'s  
27 authority to supervise physician assistants, pursuant to section 3527 of the Code;  
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3. Ordering Frederick Mattson Murphy, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: January 26, 2016

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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